THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.4357 of 2007

Between:

Nagella Sivaiah.

.. PETITIONER

and

The Revenue Divisional Officer,
Nandyal and another.

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RESPONDENTS

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ORDER:

The petitioner was appointed as a Fair Price Shop Dealer of Sirvel

Village and Mandal, Kurnool District, in the year 1983.

It is stated that the petitioner has been distributing essential commodities to the villagers without any complaint whatsoever. While so, on the representation of the card holders to the Mandal Revenue Officer, Sirvel Mandal, Kurnool District-2nd respondent, the Revenue Divisional Officer, Nandyal, Kurnool District-1st respondent, without making any enquiry and without verifying the contents of the said complaint and also without issuing any notice to the petitioner, passed an order, dated 12-02-2007, suspending the authorization of the petitioner. Aggrieved by this same, this writ petition has been filed.

Admittedly, the Fair Price Shop Dealership has been suspended without issuing any notice and without making any enquiry.

It is stated that the authorisation of the petitioner has been suspended pending enquiry.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion as to the merits of the case, as admittedly, the enquiry has been pending before the 1st respondent, and as against the order suspending authorization, an appeal lies to the Joint Collector. Therefore, it is just and proper to permit the petitioner to file an appeal questioning the said order of suspension, pending enquiry. On filing such appeal, it is for the Appellate Authority to consider and dispose of the same, in accordance with law.

Accordingly, the writ petition is disposed of permitting the petitioner to file an appeal before the Appellate Authority against the order of suspension, pending enquiry, within ten (10) days from today. If any such appeal is filed within 10 days from today, the 2nd respondent shall not make any alternative arrangements for distribution of essential

commodities and the same shall be distributed through the petitioner only. On filing such appeal, the Appellate Authority shall consider and dispose of the same, after giving reasonable opportunity to all the concerned, as expeditiously as possible, within two months from today. If no such appeal is filed within ten days from today, the order of this court shall stand vacated. There shall be no order as to costs.

However, the interim arrangement made pursuant to the order of this Court will be subject to the result of the final order that may be passed by the Appellate Authority.

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05-03-2007

Note:
Issue C.C. by tomorrow
(B/o)
Prv